

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

In Re:

Bankruptcy No. 23-30151
Chapter 7

Phillip W. Engen,

Debtor.

Phillip W. Engen,

Plaintiff,

vs.

Adversary No. 23-07010

U.S. Department of Education,

Defendant.

**ORDER CONTINUING AND RESCHEDULING
PRETRIAL PLANNING AND SCHEDULING CONFERENCE**

For the reasons stated on the record at the Pretrial Planning and Scheduling Conference held on February 6, 2024, the scheduling conference shall be continued to **Tuesday, March 5, 2024, at 11:00 a.m. (Central Standard Time)**. Please use the attached telephonic instructions to join in the telephonic hearing.

Prior to the conference, counsel shall confer about the nature and basis of their claims and defenses, scheduling and discovery, and the prompt resolution of some or all of the issues in dispute. The parties' discussion on discovery issues shall include the timing of disclosures and any issues relating to preserving, disclosing and exchanging electronically stored information. Counsel shall also review the proposed Scheduling and Discovery Order attached to this Order and be prepared to discuss the deadlines included in the Order as well as potential trial dates. The parties may engage in discovery before the scheduling conference.

Dated: February 6, 2024.



SHON HASTINGS, JUDGE
UNITED STATES BANKRUPTCY COURT

Telephonic Conference Instructions:

- 1) Call **701-297-7116**.
- 2) Enter the Meeting ID **088076463#**
- 3) After the Meeting ID is entered you will be connected into the conference.
- 4) Please identify yourself after you have joined the conference.

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SCHEDULING AND DISCOVERY ORDER

Rule 16 of the Federal Rules of Civil Procedure as applied by Rule 7016 of the Federal Rules of Bankruptcy Procedure applies in this case. Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure,¹ counsel for the parties conferred on [Click or tap to enter a date.](#) about discovery, the nature and basis of the parties' claims and defenses, the possibilities for a prompt settlement or resolution of the case and a proposed Scheduling and Discovery plan. This discussion included whether a mid-discovery status conference or a final pretrial conference would be helpful in this matter, whether the parties would seek discovery beyond the limits included in Rules 30 and 33, and whether a deadline to serve threshold motions, such as a motion to dismiss for lack of jurisdiction or expiration of a limitations period, should be included in this order.

¹ Rules 16, 26, 30, 33 of the Federal Rules of Civil Procedures apply in bankruptcy adversary proceedings. See Federal Rules of Bankruptcy Procedure 7016, 7026, 7030, 7033.

1. The parties shall make Rule 26(a)(1) disclosures by Click or tap to enter a date.
[Summarize any agreements on the subject matter, timing and form of Rule 26(a)(a) disclosures, but do not submit the disclosures to the Court].
2. Jurisdiction of this Court is/is not disputed and is invoked under _____. The parties do do not dispute that this Court has authority to enter a final order in this case. If authority to enter a final order is disputed, consent is is not given for the bankruptcy judge to enter final orders and judgments.
3. The parties shall have until Click or tap to enter a date. to move to join additional parties and/or to move to amend pleadings to add claims or defenses, including claims for exemplary damages.
4. Plaintiff shall have until Click or tap to enter a date. to identify the subject matter/discipline of expert witnesses to be used at trial. The identification shall be served on other parties, but not filed with the Court.
5. Defendant shall have until Click or tap to enter a date. to identify the subject matter/discipline of expert witnesses to be used at trial. The identification shall be served on other parties, but not filed with the Court.
6. The parties shall have until Click or tap to enter a date. to provide the names and complete reports of expert witnesses required to provide written reports under Rule 26(a)(2). Reports shall be served on other parties, but not filed with the Court. Counsel are reminded of their duty to timely supplement disclosures and discovery responses pursuant to Rule 26(e).
7. The parties shall have until Click or tap to enter a date. to complete fact and expert discovery and to file discovery motions. No party shall be required to respond to any discovery request which falls due after this date.

8. The parties shall have until Click or tap to enter a date. to file dispositive motions (summary judgment as to all or part of the case).
9. Depositions taken for presentation at trial shall be completed at least Click or tap here to enter text. days before trial.
10. The estimated length of trial is Click or tap here to enter text. days.

SO ORDERED.

Dated:

SHON HASTINGS, JUDGE
UNITED STATES BANKRUPTCY COURT